

## REMARKS

Claims 1-24 are pending in the application.

Claims 3, 11, 12 and 14-24 are found to contain allowable subject matter.

Claims 1, 2, 4-10 and 13 stand rejected.

Current claim 1 substantially recites the band control device operating in an Ethernet network because the aggregation of a plurality of physical links explicitly recited in the unamended claim 1 is achieved by an Ethernet network as is well-known by IEEE 802.3 as described in the specification [0004] of this patent application.

The aggregation of a plurality of physical links is also achieved with a control frame (LACPDU) that is a MAC frame shown in Fig. 15. MAC frame is an Ethernet frame.

To clarify the claimed invention independent claim 1 has been amended to "a controller for aggregating a plurality of physical links over an Ethernet network into a single logical link."

Claims 1-3 and 6 are rejected under 35 U.S.C. § 102(b) as anticipated by Ma et al. (hereinafter Ma) and claims 4-5, 8-10 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Ma and further in view of Dugan. Claim 7 is rejected as in claim 4 and further in view of Gardner et al.

In the Office Action it is argued that the ATM system described in Ma teaches each of the limitations. However applicant's claim 1 clarifies the technology of Ethernet and is distinguishable over the reference cited, particularly Ma et al. which is relating to the technology of ATM and ATM networks

In contrast to Ma, the claimed invention is directed to an Ethernet network, wherein the claimed invention identifies traffic and assigns physical links for specific traffic based on


information such as source/destination MAC address or an IP address protocol identifier. This is different from the traffic types associated with ATM networks.

It is respectfully requested the rejections be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
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